

Remarks

Claims 9, 10, 13, 14, 19 and 20 are amended. Claims 9 to 11, 13, 14, 17, 19 and 20 are pending in this application of which claims 13, 14, 19 and 20 are in independent form.

Applicants' attorney thanks Examiner Ho for the personal interview held on November 12, 2004 and especially for reviewing the draft amendment submitted in preparation therefor. Agreement was reached that the proposed claims of the draft amendment patentably distinguish the applicants' invention over the combination of Bota and Butsuen et al. It will now be shown that the agreement reached with respect to these two references is correct.

In the action, it was acknowledged that Bota does not show measuring the distance of the vehicle to an object ahead of the vehicle, and activating the braking control in dependence upon the distance and desired value so that the vehicle can brake to standstill.

However, the view was expressed that Butsuen et al discloses an automatic brake control system comprising a control unit (11), a radar unit (10) for measuring the distance of the vehicle to an object ahead of the vehicle, a velocity sensor (6) for measuring the speed of the vehicle, and the brake being controlled in dependence upon the distance (L) and a desired value (that is, velocity V) so that the vehicle can be braked to standstill (see FIG. 5). Thus, it was argued, that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the vehicle of Bota with an automatic brake control system as taught by Butsuen et al in order to safely avoid the obstacle or the vehicle ahead. Reference was made to column 1, lines 17 to 20 and 41 to 44, of Butsuen et al.

Bota discloses that when a driver brakes a vehicle to standstill, the braking power is built-up or maintained and the transmission is controlled to be placed in "neutral." (See, for example, column 1, lines 64 to 67, and column 1, lines 44 to 48). In column 6, lines 51 to 64, Bota describes the release of the brake pedal and the renewed starting of the vehicle. The driver operates the control, for example, the transmission shift lever and releases the brake pedal 82. This results in the forward clutch 15 beginning a clutching operation whereby the first gear stage begins to be engaged. When the turbine rpm begins to decrease, the brake is released. This allows the driver to start the vehicle smoothly free from slippage into the rearward direction. Notably, an automatic resume drive of the vehicle is not disclosed by Bota. Also, as the Office acknowledges, Bota does not disclose measuring the distance of the vehicle to an object ahead of the vehicle and an adaptive road speed controller, which adjusts the distance to a leading vehicle, is not disclosed by Bota.

Butsuen et al discloses an automatic brake control system having a distance regulator, which allows braking, including braking to standstill, of the trailing vehicle if the distance to the leading vehicle falls below a set minimum (see, for example, column 2, lines 29 to 48, and column 4, line 68 to column 5,

line 7). As in Bota, Butsuen et al does not disclose an automatic resumed drive of the trailing vehicle. This is so because Butsuen et al does not disclose the necessary engagement with the motor.

The applicants' invention is directed to a method for ensuring standstill of a trailing vehicle. However, beyond this, the invention is also directed to activating the adaptive road speed controller of the trailing vehicle after such a standstill. This feature of the applicants' invention is expressed in the below recited features and limitations of applicants' claim 13:

"detecting a resume drive command of the driver when an operator-controlled element is actuated;

disengaging said parking brake function and controlling said automatic transmission out of said neutral position or said park position when said resume drive command is detected; and,

activating said adaptive road speed controller in response to an actuation of said operator-controlled element by the driver and automatically effecting a resumed drive of said trailing vehicle utilizing said adaptive road speed controller."

Claim 13 combines the activation of the adaptive road speed controller with the steps that allow braking to standstill and building up and/or maintaining a braking force. The adaptive road speed controller is used to automatically effect a resumed drive of the trailing vehicle and this feature is nowhere suggested in the combination of Bota and Butsuen et al.

In view of the above, it can be seen that the conclusion reached at the interview that applicants' claim 13 patentably

distinguishes their invention over the applied references is indeed correct. The remaining independent claims 14, 19 and 20 all incorporate the above application of the adaptive road speed controller and therefore likewise patentably distinguish the applicants' invention over the applied references.

Claims 9 to 11, 13, 14, 17, 19 and 20 were rejected under 35 USC 112, second paragraph, for being indefinite for the reasons set forth on page 2, paragraph 3, of the action.

Claim 13 is amended to correct the indefiniteness noted in the action and the Examiner's suggestions set forth therein have been incorporated into claim 13 as well as into claims 14, 19 and 20 so that the claims should now be definite as required by the statute.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter Ottesen". The signature is fluid and cursive, with the first name "Walter" and last name "Ottesen" clearly distinguishable.

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